

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RICKY JOHN NEUBECKER, JR.,

Plaintiff,

v.

Case No. 21-cv-1355-bhl

RANDALL R. HEPP, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Ricky John Neubecker, Jr., is a prisoner confined at the Waupun Correctional Institution who is representing himself in this 42 U.S.C. §1983 case. On November 23, 2021, along with his complaint, Neubecker filed a motion for leave to proceed without prepaying the filing fee. The Prison Litigation Reform Act applies to this case because Neubecker was incarcerated when he filed his complaint. That statute allows prisoners to proceed without prepaying the full filing fee if, when they have assets or means, they first pay an initial partial filing fee. 28 U.S.C. §1915(b). On November 24, 2021, the Court ordered Neubecker to pay an initial partial filing fee of \$0.69 within thirty days or advise the Court in writing why he was unable to arrange submission of the assessed amount. Dkt. No. 5. The deadline has passed, and the Court has not received the fee nor has Neubecker informed the Court of any challenges he faced in arranging submission of the fee.

IT IS THEREFORE ORDERED that Neubecker's motion for leave to proceed without prepaying the filing fee (Dkt. No. 2) is **DENIED** based on his failure to pay the initial partial filing fee, and this case is **DISMISSED without prejudice** based on his failure to pay the filing fee.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), Neubecker must pay the \$350 statutory filing fee. Accordingly, the agency having custody of Neubecker shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from Neubecker's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Neubecker is transferred to another institution, the transferring institution shall forward a copy of this Order along with Neubecker's remaining balance to the receiving institution.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where Neubecker is located.

Dated at Milwaukee, Wisconsin on January 11, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge